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storage device whether the mutual interference occurs if the additional module is activated;
and
preventing a simultaneous activation of modules that interfere with each other.

REMARKS

Claims 1-14 are pending in the above-referenced application. Claim 10 has been amended to clarify the subject matter recited therein. No new matter has been added. It is believed that these amendments do not raise new issues that would require further consideration and/or search, and also do not raise the issue of new matter. It is also believed and respectfully submitted that these amendments place the application in better form for appeal by materially reducing or simplifying the issues for appeal. Applicants request reconsideration of the present application.

Claims 1, 3-7, 9-10, and 12-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,070,453 to Duffany ("Duffany"). It is respectfully submitted that Duffany does not anticipate the aforementioned claims, for at least the following reasons.

To reject a claim under 35 U.S.C. § 102, the Office must demonstrate that **each and every claim limitation is identically disclosed** in a single prior art reference. (See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). "The identical invention must be shown in as complete detail as is contained in the claim." M.P.E.P. § 2131. Applicants respectfully submit that Duffany does not disclose each and every element of the claimed invention.

Claim 1 relates to a control unit for a system. The control unit includes, *inter alia*:

... a second storage device for storing state information regarding the modules, the state information indicating which of the modules are currently activated

Claim 10 relates to a method of operating a control unit of a system. The method includes, *inter alia*:

... providing a second storage device storing state information regarding the modules, the state information indicating which of the modules are currently activated

The Examiner apparently asserts that program store 815, which apparently contains a sequence of instructions, and figures 3 and 8 of Duffany disclose the second

storage device of claims 1 and 10. (Col. 5, ll. 28-30). The sequence of instructions is apparently adapted to control several elements (801, 805, and 820) in forming an optimum allocation signal. (Col. 5, ll. 28-32). It is respectfully submitted that the instruction sequence gives no indication of which, if any, of a group of modules is currently activated, as recited in claims 1 and 10. The instructions are merely program instructions. Even if the instructions in the flowchart of figure 3 do relate to states, as the Examiner suggests in section 5 of the Office Action on pages 7-8, and which is respectfully not conceded, there is no indication that any instructions therein relate to a current activation of a module. The instructions of figure 3 apparently relate to optimizing resource usage and a signal array generated to represent the interferences between tasks. (Col. 4, ll. 31-37). However, again there is no indication in the related text indicating that information indicates whether a module is currently activated. Since Duffany does not disclose, or even suggest, the recited second storage device for storing state information regarding the modules in which the state information indicates which of the modules are currently activated, Duffany does not anticipate the subject matter of claims 1 and 10.

Claims 3-7 and 9 depend from claim 1, and are therefore allowable for at least the same reasons as claim 1 is allowable.

Claims 12-14 depend from claim 10, and are therefore allowable for at least the same reasons as claim 10 is allowable.

It is respectfully submitted that Duffany does not anticipate either of claims 1 and 10, or any of the claims that depend therefrom. Therefore, withdrawal of the rejection of claims 1, 3-7, 9-10, and 12-14 under 35 U.S.C. § 102(b) is respectfully requested.

Claims 2, 8, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Duffany in view of U.S. Patent No. 4,437,342 to Hosaka et al. ("Hosaka"). Applicants respectfully traverse.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), not only must the prior art **teach or suggest each element of the claim**, but the prior art must also **suggest combining the elements in the manner contemplated by the claim**. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. M.P.E.P. §2142. To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some **suggestion or motivation**, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, **to modify or combine the references**

and that, when so modified or combined, the prior art **teaches or suggests all of the claim limitations**. M.P.E.P. §2143. Applicants respectfully submit that these criteria for obviousness are not met here.


Claims 2 and 8 depend from claim 1 and claim 11 depends from claim 10. Accordingly, the arguments presented above in connection with Duffany and claims 1 and 10 apply equally to claims 2, 8, and 11. Hosaka does not cure the deficiencies of Duffany discussed above. For at least this reason, Applicants respectfully submit that Duffany in view of Hosaka does not render obvious any of claims 2, 8, and 11. It is therefore requested that the rejection of claims 2, 8, and 11 be withdrawn.

CONCLUSION

Applicants respectfully submit that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,



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AMENDMENT VERSION WITH MARKINGS

IN THE CLAIMS:

Claim 10 has been amended without prejudice as follows:

10. (Twice Amended) A method of operating a control unit of a system for activating at least one of a plurality of modules in order to generate information regarding at least one of a plurality of states of the system, comprising the steps of:

providing a first storage device for storing information relating to a mutual interference of the modules;

providing a second storage device storing state information regarding the modules [mdoules], the state information indicating which of the modules are currently activated;

before an activation of an additional module is performed, determining as a function of the information stored in the first storage device and the information stored in the second storage device whether the mutual interference occurs if the additional module is activated; and

preventing a simultaneous activation of modules that interfere with each other.